

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM**

CASE NO.:

CHRIS CRISMAN,

Plaintiff,

v.

CCMF, LLC and WHIRLWIND DESIGNS,
INC.,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff CHRIS CRISMAN by and through his undersigned counsel, brings this Complaint against Defendants CCMF, INC and WHIRLWIND DESIGNS, INC. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff CHRIS CRISMAN (“Crisman”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Crisman's original copyrighted Work of authorship.
2. Crisman is an internationally recognized advertising photographer who specializes in People Based Campaigns, Active Lifestyle, Portraiture, and Everyday Humanity Photography. His work has been recognized by prestigious trade organizations such as Luerzer’s Archive, Communication Arts, American Photography, Photo District News, and the International Photography Awards. Chris and his team have played a vital role in supporting brand launches and rebrands for a myriad of dynamic clients.

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3. Defendant CCMF, LLC (“CCMF”) is a four-day outdoor music festival that began in 2015 and continues to take place on the shores of Myrtle Beach, SC. At all times relevant herein, CCMF owned the internet website located at the URL <https://carolinacountrymusicfest.com/> (the “CCMF Website”).

4. Defendant WHIRLWIND DESIGNS, INC. (“WhirlWind”) offers advertising services including marketing, web development, public relations, etc. to a range of clients. At all times relevant herein, WhirlWind owned and operated the internet website located at the URL <https://whirlwind-creative.com/> (the “WhirlWind Website”).

5. WhirlWind operates the CCMF Website.

6. Defendants CCMF and WhirlWind are collectively referred to herein as “Defendants”.

7. Crisman alleges that Defendants copied his copyrighted Work from the internet in order to advertise, market and promote their business activities. Defendants committed the violations alleged in connection with their businesses.

JURISDICTION AND VENUE

8. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

9. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

10. Defendants are subject to personal jurisdiction in North Carolina.

11. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

DEFENDANTS

12. CCMF, LLC is a South Carolina Limited Liability Company, with its principal place of business at 812 North Ocean Boulevard, Myrtle Beach, SC, 29544, and can be served by serving its Registered Agent, CT Corporation System, at 2 Office Park Court, Suite 103, Columbia, SC 29223.

13. Upon information and belief, CCMF, LLC conducts business as Carolina Country Music Fest. These two entities are one and the same and operate as alter egos of one another.

14. WhirlWind Designs, Inc. is a North Carolina Corporation, with its principal place of business at 6525 Hudspeth Road, Harrisburg, NC, 28075, and can be served by serving its Registered Agent, Shannon Wright, at 6525 Hudspeth Road, Harrisburg, NC 28075.

15. Upon information and belief, WhirlWind Designs, Inc. conducts business as WhirlWind Creative. These two entities are one and the same and operate as alter egos of one another.

THE COPYRIGHTED WORK AT ISSUE

16. In 2011, Crisman created the photograph entitled “cc2011014_2911_ret_V1_final,” which is shown below and referred to herein as the “Work”.



17. Crisman registered the Work with the Register of Copyrights on April 04, 2011, and was assigned registration number VAu 1-069-257. The Certificate of Registration is attached hereto as **Exhibit 1**.

18. Crisman's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting, and other details is entirely original, distinctive, and unique. As such, the Work qualifies as subject matter protectable under the Copyright Act.

19. At all relevant times Crisman was the owner of the copyrighted Work.

INFRINGEMENT BY DEFENDANTS

20. Defendants have never been licensed to use the Work for any purpose.

21. On a date after the Work was created, but prior to the filing of this action, Defendants copied the Work.

22. On or about June 14, 2023, Crisman discovered the unauthorized use of his Work on the CCMF Website at the URLs: <https://carolinacountrymusicfest.com/news/ccmf-mechanical-bull-riding-competition-sunday-grand-prize-winner-will-receive-passes-for-2020/>; <https://carolinacountrymusicfest.com/news/category/ccmf-2019/>; and <https://carolinacountrymusicfest.com/news/category/contests/page/3/>.

23. Defendants copied Crisman's copyrighted Work without Crisman's permission or authority.

24. After Defendants copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of the advertising and marketing of the upcoming Carolina Country Music Fest.

25. Defendants copied and distributed Crisman's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

26. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

27. Crisman never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

28. Crisman notified Defendants of the allegations set forth herein on June 21, 2023, and October 12, 2023. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

29. Crisman incorporates the allegations of paragraphs 1 through 28 of this Complaint as if fully set forth herein.

30. Crisman owns a valid copyright in the Work at issue in this case.

31. Crisman registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

32. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Crisman's authorization in violation of 17 U.S.C. § 501.

33. Defendants performed the acts alleged in the course and scope of their business activities.

34. Defendants' acts were willful.

35. Crisman has been damaged.

36. The harm caused to Crisman has been irreparable.

WHEREFORE, the Plaintiff CHRIS CRISMAN prays for judgment against the Defendants CCMF, INC AND WHIRLWIND DESIGNS, INC. that:

a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendants be required to pay Crisman his actual damages and Defendants' profits attributable to the infringement, or, at Crisman's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Crisman be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Crisman be awarded pre- and post-judgment interest; and

e. Crisman be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Crisman hereby demands a trial by jury of all issues so triable.

Dated: July 15, 2024

Respectfully submitted,

/s/ Faith D. Beckworth

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